

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

<p>CUBIST PHARMACEUTICALS, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>HOSPIRA, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. 12-367-GMS (CONSOLIDATED)</p>
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Agreed-Upon Admitted Trial Exhibits

Trial Ex #	BegBates	EndBates	Date	Trial Ex Description
DTX 001	HOSP_CUB0161874	HOSP_CUB0161889	4/18/2006	Certified U.S. Patent RE39,071
DTX 002	HOSP_CUB0161890	HOSP_CUB0161899	6/15/1999	Certified U.S. Patent 5,912,226
DTX 003	HOSP_CUB0161900	HOSP_CUB0161939	11/15/2011	Certified U.S. Patent 8,058,238
DTX 004	CUBH0008695	CUBH0008733	11/15/2011	U.S. Patent 8,058,238 with 10/20/11 Issue Notification
DTX 005	HOSP_CUB0161940	HOSP_CUB0161946	12/5/1989	Certified U.S. Patent 4,885,243
DTX 006	HOSP_CUB0161947	HOSP_CUB0162012	8/28/2007	Certified U.S. Patent 7,262,268
DTX 007	HOSP_CUB0162013	HOSP_CUB0162035	1/20/1987	Certified U.S. Patent RE32,333
DTX 008	HOSP_CUB0162036	HOSP_CUB0162070	3/6/2012	Certified U.S. Patent 8,129,342
DTX 009	HOSP_CUB0162071	HOSP_CUB0162092	6/17/1980	Certified U.S. Patent 4,208,403
DTX 010	HOSP_CUB0162093	HOSP_CUB0162112	2/8/2005	Certified U.S. Patent 6,852,689
DTX 011	HOSP_CUB0162113	HOSP_CUB0162137	8/27/1985	Certified U.S. Patent 4,537,717
DTX 012	HOSP_CUB0162138	HOSP_CUB0162142	10/17/1989	Certified U.S. Patent 4,874,843
DTX 014	HOSP_CUB0162143	HOSP_CUB0162157	10/22/2002	Certified U.S. Patent 6,468,967
DTX 015	CUB00565500	CUB00565519	6/18/1985	U.S. Patent 4,524,135
DTX 016	CUB00544545	CUB00544558	12/16/1986	U.S. Patent RE32,310
DTX 017	CUB00929529	CUB00929553	12/16/1986	U.S. Patent RE32,311

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DTX 018	CUB00929576	CUB00929600	7/7/1987	U.S. Patent RE32,455
DTX 019	HOSP_CUB0005018	HOSP_CUB0005042	11/13/1984	U.S. Patent 4,482,487
DTX 020	HOSP_CUB0161324	HOSP_CUB0161335	8/16/1983	U.S. Patent 4,399,067
DTX 029	CUB00120340	CUB00120737	12/31/1998	Cubist IND Vol. 1
DTX 031	CUB00121071	CUB00121152	12/31/1998	Cubist IND Vol. 3
DTX 032	CUB00121153	CUB00121402	12/31/1998	Cubist IND Vol. 4
DTX 079	CUB00026546	CUB00026915		Excerpt from Cubicin NDA
DTX 096	CUBH000437	CUBH000439	10/18/2007	Request for Certificate of Correction re U.S. Patent RE39,071
DTX 102	CUBT0003565	CUBT0003569	1/30/2009	Barry Eisenstein Interview
DTX 103	CUBT0003496	CUBT0003497	4/16/1991	Project Management, Medical, Marketing Committee Minutes
DTX 111	CUB00696890	CUB00696909		Redline of "Daptomycin: From the Mountain to the Clinic with Essential Help from Francis Tally"
DTX 116	LLY00000327	LLY00000327	1/30/1986	Document entitled "LY146032 Endotoxin Levels"
DTX 127	CUB02402546	CUB02402567	3/1/2001	Cubist Rpt: Comparability Study of Daptomycin Drug Product Manufactured by the Original IND and Proposed Commercial Processes
DTX 146	CUBH0006334	CUBH0006560	05/2001	B. Downey Lab Notebook 288B
DTX 158	CUBT0008154	CUBT0008207	4/25/2008	PPT entitled "Marketing - Q1 2008 Quarterly Business Review"
DTX 161	CUBT0008318	CUBT0008345	7/30/2009	PPT entitled "ER and Hospitalist Audience CDT Support" by S. Murray
DTX 162	CUBT0008346	CUBT0008397	12/17/2009	PPT entitled "Cubicin Market Overview"
DTX 165	CUBT0007506	CUBT0007539	2009	PPT entitled "Cubist: Your Commercial Partner"
DTX 181	CUB00731242	CUB00731244	1/28/1998	Fax from F. Oleson to F. LeSane Enclosing Daptomycin: Rationale for Intravenous Clinical Development
DTX 183	CUB02230175	CUB02230176		Product Launch of the Year Q&A - Cubist
DTX 185	HOSP_CUB0061585	HOSP_CUB0061606	1/29/2008	Certificate of Correction re U.S. Patent RE39,071 with Request
DTX 186	LLY00000270	LLY00000270	12/1/1987	Daptomycin Final Product Lots
DTX 188	CUB00146115	CUB00146228		Clinical data summary and results of statistical analysis
DTX 190	CUB00756868	CUB00756869		A Brief history of the clinical development of Daptomycin
DTX 193	CUB01831894	CUB01832019	6/5/2006	PPT entitled "SAB/RIE Indication launch Meeting - Our Time has Come!"
DTX 199	HOSP_CUB0162725	HOSP_CUB0162725	9/22/11	Vancomycin Label
DTX 208	CUB02417506	CUB02417513	1/24/2008	Lazard Capital Markets Analyst Rpt., "CBST: Cubicin poised for steady growth in '08 but competition looms; HOLD"
DTX 209	CUB02417736	CUB02417742	4/18/2008	Lazard Capital Markets Analyst Rpt., "CBST: Cubicin sales in line, but growth slowing; HOLD"

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DTX 210	CUB02418268	CUB02418274	1/24/2006	Lazard Capital Markets Analyst Rpt., "CBST: Company remains in the red despite Cubicin's growth; HOLD"
DTX 211	CUB02419214	CUB02419225	10/30/2008	Merriman Curhan Ford Analyst Rpt., "A Unique Antibiotic with Lots of Growing Room Left; Initiating Coverage at Buy"
DTX 236	LLY00000406	LLY00000407	4/16/1991	Project Management, Medical, Marketing Committee Minutes (4/10/91)
DTX 246	CUB02182855	CUB02182876	11/13/2009	Request for Continued Examination and Response and Amendment
DTX 253				Cubicin Product Label
DTX 259	HOSP_CUB0161336	HOSP_CUB0161340	5/1/1992	1992 FDA Guidance on Development of New Stereoisomeric Drugs
DTX 268	CUB01734253	CUB01734275	1997	Baltz, Chapter 14: Lipopeptide Antibiotics Produced by Streptomyces roseosporus and Streptomyces fradiae, Biotechnology of Antibiotics, 2d ed. pg. 415-435
DTX 270	HOSP_CUB0004891	HOSP_CUB0004909	1994	Barclay, et al., What is the Evidence for Once-Daily Aminoglycoside Therapy? <i>Clin. Pharmacokinetics.</i> , 27(1):32-48
DTX 280	HOSP_CUB0162318	HOSP_CUB0162320	10/10/2012	BusinessWire, "Less Than a Third of Surveyed Infectious Disease Specialists and PCPs Consider Vancomycin the Preferred Antibiotic for MRSA"
DTX 282	HOSP_CUB0161372	HOSP_CUB0161394	1996	Casarett And Doull's Toxicology, The Basic Science of Poisons, Fifth Edition, Chapter 2: Principles of Toxicology, pg. 13-33
DTX 288				Debono, Abstract1078, "LY146032 [N-(n-decanoyl) A21978C Nucleus] A New Acidic Lipopeptide antibiotic: Synthesis and Biological Evaluation," Program and Abstracts of the Thirty-Fourth Interscience Conference on Antimicrobial Agents and Chemotherapy, pg.281
DTX 290	HOSP_CUB0004724	HOSP_CUB0004730	1995	Craig, "Once-daily versus multiple-daily dosing of aminoglycosides," <i>J Chemother.</i> 7(Suppl 2):47-52
DTX 292	HOSP_CUB0004759	HOSP_CUB0004775	1987	Debono et al., "A21978C, a Complex of New Acidic Peptide Antibiotics: Isolation, Chemistry, and Mass Spectral Structure Elucidation," <i>J. Antibiotics</i> , XL(6):761-777
DTX 293	CUB02186509	CUB02186521	1988	Debono et al., "Enzymatic and Chemical Modifications of Lipopeptide Antibiotic A21978C: The Synthesis and Evaluation of Daptomycin (LY146032)," <i>J. Antibiotics</i> , XLI(8):1093-1105
DTX 305	HOSP_CUB0004881	HOSP_CUB0004890	1990	Ebert et al. "Pharmacodynamic Properties of Antibiotics: Application to Drug Monitoring and Dosage Regimen Design", <i>Infect. Control Hosp. Epidemiol.</i> , 11(6):319-326
DTX 306	CUB02459414	CUB02459419	2010	Eisenstein et al., "Daptomycin: From the Mountain to the Clinic, with Essential Help from Francis Tally, MD," <i>CID</i> , 50(1):S10-S15

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DTX 312	HOSP_CUB0004639	HOSP_CUB0004648	1997	Freeman, et al., Once-Daily Dosing of Aminoglycosides: Review and Recommendations for Clinical Practice, <i>J.Antimicrob. Chemotherapy</i> , 39:677-86
DTX 325	CUB02009047	CUB02009076	2004	Jeu et al., "Daptomycin: A Cyclic Lipopeptide Antimicrobial Agent", <i>Clinical Therapeutics</i> , 26(11):1728-1757
DTX 333	HOSP_CUB0058472	HOSP_CUB0058478	1998	Lakey and Ptak, "Fluorescence Indicates a Calcium-Dependent Interaction between the Lipopeptide Antibiotic LY146032 and Phospholipid Membranes," <i>Biochemistry</i> , 27(13):4639-4645
DTX 339	HOSP_CUB0004665	HOSP_CUB0004668	1991	Lee et al, Abstract 885: Daptomycin versus Conventional Therapy in the Treatment of Endocarditis (E) and Bacteremia, Program and Abstracts of the Thirty-First Interscience Conference on Antimicrobial Agents and Chemotherapy, 246
DTX 341	HOSP_CUB0161521	HOSP_CUB0161522	1987	Leggett et al, "Pharmacodynamic and Pharmacokinetic Parameters (PKPs) Affecting Activity of LY 146032 Against Staphylococcus Aureus," <i>Abstracts of the ICAAC</i> , Abstract No. 154
DTX 345	CUB02167841	CUB02167844	1997	Lin and Jiang, "Recovery and Purification of the Lipopeptide Biosurfactant of Bacillus subtilis by Ultrafiltration," <i>Biotech. Techniques</i> , 11(6):413-416
DTX 349	HOSP_CUB0162185	HOSP_CUB0162194	7/23/2013	Lowy, Vancomycin-intermediate and vancomycin-resistant Staphylococcus aureus infections, Wolter Kluwer
DTX 353	HOSP_CUB0161555	HOSP_CUB0161572	1982	Mastaglia, Adverse Effects of Drugs on Muscle, <i>Drugs</i> 24:304-321
DTX 355	HOSP_CUB0004941	HOSP_CUB0004964	1998	McKindley and Maderazo, Chapter 41: Drug Use in the Critically Ill Patient with Renal Dysfunction-Application of the DREM System, in <i>Infectious Diseases in Critical Care Medicine</i>
DTX 359	CUB01737480	CUB01737496	2005	Miao et al., "Daptomycin biosynthesis in Streptomyces roseosporus: cloning and analysis of the gene cluster and revision of peptide stereochemistry," <i>Microbiology</i> 151:1507-23
DTX 371	HOSP_CUB0005066	HOSP_CUB0005112	1995	Mutschler et al., Chapter 2: Pharmacokinetics in <i>Drug Actions: Basic Principles and Therapeutic Aspects</i> . Medpharm Scientific Publishers, Stuttgart, Germany Pg. 5-47
DTX 385	HOSP_CUB0004965	HOSP_CUB0005017	1998	Protein Purification: Principles, High Resolution Methods, and Applications (J. Janson and L. Ryden, eds., John Wiley & Sons, Inc.)
DTX 388	HOSP_CUB0162683	HOSP_CUB0162685	5/22/2009	Rapaport, "Antibiotic's \$1 Billion Success May Spur Cubist Buy (Update2)"
DTX 389	HOSP_CUB0004910	HOSP_CUB0004930	1995	"Remington: The Science and Practice of Pharmacy," (Alfonso Gennaro ed., Mack Publishing Co.

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DTX 392	HOSP_CUB0004630	HOSP_CUB0004638	1988	Rotschafer et al., "Therapeutic Update on Glycopeptide and Lipopeptide Antibiotics," <i>Pharmacotherapy</i> , 8(4):211-219
DTX 395	HOSP_CUB0162803	HOSP_CUB0162804	09/2009	Sakoulas, et al., "Clinical outcomes of patients receiving daptomycin for the treatment of Staphylococcus aureus infections and assessment of clinical factors for daptomycin failure: A retrospective cohort study utilizing the Cubicin® Outcomes Registry and Experience," <i>Clinical Therapeutics</i> , 31(9) (Abstract)
DTX 399	HOSP_CUB0004662	HOSP_CUB0004664	1988	Sexton et al., "The Use of Daptomycin, a Lipopeptide Antibiotic, in the Treatment of Gram Positive Infections in Man," <i>Program and Abstracts of the Twenty-Eighth Interscience Conference on Antimicrobial Agents and Chemotherapy</i> , 275
DTX 404	HOSP_CUB0161694	HOSP_CUB0161712	1998	Shu, "Recent Natural Products Based Drug Development: A Pharmaceutical Industry Perspective," <i>J. Nat. Prod.</i> , 61:1053-1071
DTX 406	CUB02330956	CUB02330962	2008	Sievert, et al., "Vancomycin-Resistant Staphylococcus aureus in the United States, 2002–2006." <i>Clin Infect Dis.</i> , 46:668-674.
DTX 412	CUB00563917	CUB00563932	1999	Tally et al., "Daptomycin: a Novel Agent for Gram-Positive Infections," <i>Exp. Opin. Invest. Drugs</i> , 8(8):1223-1238
DTX 427	HOSP_CUB0004801	HOSP_CUB0004808	1992	Woodworth, et al., Single-Dose Pharmacokinetics and Antibacterial Activity of Daptomycin, a New Lipopeptide Antibiotic, in Healthy Volunteers, <i>Antimicro. Agents & Chemo.</i> , 36(2):318-325
DTX 439A	N/A	N/A		Gordon Rausser's C.V.
DTX 448	N/A	N/A	2/1/13	Joint Claim Construction Charts for the Patent being Asserted by Cubist
DTX 452	CUB00000102	CUB00000625		Eli Lilly Phase II Technical Report, B8B MC AVAE/B8B EW AVAG
DTX 453	CUB00563235	CUB00563484	06/1991	IND 27627, Technical Report Phase II; Protocol B8B-MC-AVAM; Daptomycin vs Conventional Therapy in Endocarditis and Bacteremia
DTX 458 PTX 182	CUB00563088	CUB00563169	06/1992	IND 27627, Technical Report Phase I: Protocol B8B-MC-AVAP, Multiple Dose Intravenous Administration (LY146032) Up to 5mg/kg every 12 Hours
DTX 465	CUBT0000187	CUBT0000189		Appendix D; Analytical Characterization Report
DTX 490	CUBT0000585	CUBT0000618	11/07/1997	License Agreement between Eli Lilly and Cubist
DTX 503	LLY00004083	LLY00004087	8/6/1984	Fermentation Products Research/Isolation and Chemistry Committee Meeting Minutes (7/17/84)
DTX 532	CUBT0002921	CUBT0003121		File History for U.S. Patent 5,912,226
DTX 669	CUBT0009496	CUBT0009502	5/27/1987	IND 27627 IRB Approval No. 87-003, Protocol No. B8B LC AVAF; Daptomycin (LY146032) Dose Linearity Study

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DTX 670	CUBT0009618	CUBT0009634	10/25/1990	Multiple Dose Intravenous Administration of Daptomycin (LY146032) up to 5mg/kg Every 12 hours
PTX 001	CUBH000050	CUBH 000050-63		U.S. Patent No. 6,468,967
PTX 002	CUBH000064	CUBH 000064-82		U.S. Patent No. 6,852,689
PTX 003	CUBH000035	CUBH 000035-49		U.S. Patent No. RE39,071
PTX 004				U.S. Patent No. 8,058,238
PTX 006	CUBH000698	CUBH001432		File History for U.S. Patent 6,468,967
PTX 007	CUBH001433	CUBH001703		File History for U.S. Patent 6,852,689
PTX 008	CUBT0002422	CUBT0002607		File History for U.S. Patent RE39,071
PTX 013	CUB02185780	CUB02185785		U.S. Patent No. 4,885,243
PTX 017	N/A	N/A		Cubicin® label revised April 2013, available at http://www.accessdata.fda.gov/drugsatfda_docs/label/2013/021572s043s0441bl.pdf
PTX-029	CUBH562107	CUBH 562107-131		Cubist Technical Report: Process Development History, DAP.001.PD (6/4/03)
PTX-033	CUB00848760	CUB00848768	2004	Arbeit et al., "The Safety and Efficacy of Daptomycin for the Treatment of Complicated Skin and Skin-Structure Infections", <i>Clin. Infectious Diseases</i> , 38:1673-81
PTX 047	CUB01171328	CUB01171340	2006	Fowler et al., "Daptomycin Versus Standard Therapy for Bacteremia and Endocarditis Caused by Staphylococcus Aureus", <i>N.E.J.M.</i> , 355(7):653-665
PTX 055	CUB02330956	CUB02330962	2008	Sievert, et al., "Vancomycin-Resistant Staphylococcus aureus in the United States, 2002–2006." <i>Clin Infect Dis.</i> , 46:668-674.
PTX 061	N/A	N/A	06/2013	Vibativ Label
PTX 063	HOSP_CUB0162805	HOSP_CUB0162827	05/2013	Teflaro Label
PTX 178	N/A	N/A		C.V. of Dr. Gerwick
PTX 179	N/A	N/A		C.V. of Dr. Guglielmo
PTX 180	N/A	N/A		C.V. of Dr. Myerson
PTX 181				Eli Lilly Phase I Technical Report, B8B LC AVAI
PTX 182	CUB00563088	CUB00563169	06/1992	IND 27627, Technical Report Phase I: Protocol B8B-MC-AVAP, Multiple Dose Intravenous Administration (LY146032) Up to 5mg/kg every 12 Hours
PTX 183	CUB00563170	CUB00563234	07/1992	Final Pharmacokinetic and Analytical Report: IND 27627 Protocol B8B-MC-AVAP(b); Multiple Dose Intravenous Administration of Daptomycin (LY146032) Up to 5 Mg/Kg Every 12 Hours

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PTX 184	CUB01828487	CUB01828675	3/20/1989	IND 27627, IRB Approval No. 88-020, Protocol B8B LC AVAK, Daptomycin (LY146032): Dose Linearity and ABA Comparison
PTX 185	CUB00000102	CUB00000625		Eli Lilly Phase II Technical Report, B8B MC AVAE/B8B EW AVAG
PTX 186	CUB00563235	CUB00563484	06/1991	IND 27627, Technical Report Phase II; Protocol B8B-MC-AVAM; Daptomycin vs Conventional Therapy in Endocarditis and Bacteremia
PTX 195	CUB00564559	CUB 00564559-695		Lilly Research Laboratories (Eli Lilly and Company), <i>Daptomycin (LY146032) Clinical Investigation Brochure (3/89)</i>
PTX 199	CUB02396622	CUB 02396622		3/8/91 letter from M. W. Talbott, Ph.D. to Food and Drug Administration Re: IND 27,627 – Daptomycin (LY146032) – Serial No. 64
PTX 200	CUB01738657	CUB01738658	4/3/1991	Ltr from M. Lumpkin to W. Talbott Re IND
PTX 261	CUBH 0571082	CUBH 0571110		Provisional US Patent Application No. 60/101,828
PTX 290	CUBT0007148	CUBT0007153	2000	Oleson et al., "Once-Daily Dosing in Dogs Optimizes Daptomycin Safety," <i>Antimicrobial Agents and Chemotherapy</i> , 44(11):2948-2953
PPDX 500A	N/A	N/A		Photo of Demonstrative Model of Daptomycin
PPDX 500B	N/A	N/A		Photo of Demonstrative Model of Daptomycin
DDX-Opening-001 Thru DDX-Opening-123	N/A	N/A		Demonstratives Used During Hospira Opening
DDX-Baker-001 thru DDX-Baker-023	N/A	N/A		Demonstratives Used During Baker Direct
DDX-Ganem-001 Thru DDX-Ganem-044	N/A	N/A		Demonstratives Used During Ganem Direct
DDX-Ebert-004 Thru DDX-Ebert-006	N/A	N/A		Demonstratives Used During Ebert Direct
DDX-Ebert-008 Thru DDX-Ebert-010	N/A	N/A		Demonstratives Used During Ebert Direct
DDX-Ebert-012 Thru DDX-Ebert-014	N/A	N/A		Demonstratives Used During Ebert Direct

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DDX-Ebert-016 Thru DDX-Ebert-017	N/A	N/A		Demonstratives Used During Ebert Direct
DDX-Ebert-019	N/A	N/A		Demonstratives Used During Ebert Direct
DDX-Ebert-022 Thru DDX-Ebert-023	N/A	N/A		Demonstratives Used During Ebert Direct
DDX-Gerwick-010	N/A	N/A		Demonstrative Used During Gerwick Cross
DDX-Gerwick-011	N/A	N/A		Demonstrative Used During Gerwick Cross
DDX-Guglielmo-001 Thru DDX-Guglielmo-003	N/A	N/A		Demonstratives Used During Guglielmo Cross
DDX-Guglielmo-013	N/A	N/A		Demonstratives Used During Guglielmo Cross
DDX-Guglielmo-016	N/A	N/A		Demonstratives Used During Guglielmo Cross
DDX-Guglielmo-018 Thru DDX-Guglielmo-021	N/A	N/A		Demonstratives Used During Guglielmo Cross
DDX-Rausser-001 Thru DDX-Rausser-33	N/A	N/A		Demonstratives Used During Rausser Direct
DDX-Rausser-035 Thru DDX-Rausser-40	N/A	N/A		Demonstratives Used During Rausser Direct
DDX-Rausser-042 Thru DDX-Rausser-53	N/A	N/A		Demonstratives Used During Rausser Direct
PDX 0001 Thru PDX 0054	N/A	N/A		Demonstrative: Cubist Opening
PDX 0501 Thru PDX 0529	N/A	N/A		Demonstratives Used During Gerwick Direct
PTX 0701 Thru PDX 0703	N/A	N/A		Demonstratives Used During Myerson Direct

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PDX 0801 Thru PDX 0830	N/A	N/A		Demonstratives Used During Guglielmo Direct